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Supreme Court, U.S.
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No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In re Isidoro Rodriguez, Esq.,

Petitioner.

To the Respondents: The Hon. Chief Justice John G Roberts in his capacity as Circuit Justice for the Fourth and D.C. Circuits; The Justice of the U. S. Court of Appeals for the Second, Third, Fourth, Tenth, Federal, and District of Columbia Circuits; The Judges of the U. S. District Court for the District of Columbia and the U.S. District Court for the Eastern District of Virginia, and the U. S. Tax Court

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PETITION FOR WRIT OF MANDAMUS AND PROHIBITION PURSUANT TO 18 U.S.C. § 4, and § 3771.

Isidoro Rodriguez, Esq.
Counsel for Petitioner
THE LAW OFFICES OF RODRIGUEZ
Annandale, Virginia 22003-1560
Cell No. 703.470.1457
E-mail: isidoror@earthlink.net

Questions Presented for Review

Petitioner Isidoro Rodriguez, Esq., ("Rodriguez), seeks a Writ of Mandamus and Prohibition from this Court pursuant to 18 U.S.C. § 3771, and its supervisory authority under Article III of the Constitution: (1) to compel the Respondents to protect him as a victim from the on going federal criminal enterprise in violation of 18 U.S.C. 18 U.S.C. §§ 4, 241, 242, 1001, 1204, and 1513, to stop the criminal conspiracy to injure, punish, stigmatize and deprive him of his right to employment for the past 2 years as an attorney in retaliation for his petitioning Congress and litigating to enforce his federal statutory rights as a parent and his property right in his perfected statutory Attorney's Lien; and, (2) to compel the U. S. Courts of Appeals for the 2nd, 3rd, 4th, Federal and D.C. Circuits, the U. S. District Court for the E. D. of Virginia and the U. S. Tax Court to immediately conduct impartial Show Cause Hearings in compliance with the *Void Order Doctrine*,

I. WHETHER A WRIT OF MANDAMUS AND PROHIBITION MUST BE ISSUED TO COMPEL COMPLIANCE WITH 18 U.S.C. § 3771, SO TO PROTECT RODRIGUEZ AS A VICTIM OF THE ON GOING VIOLATIONS OF 18 U.S.C. §§ 4, 241, 242, 1001, AND 1513?

II. WHETHER A WRIT OF MANDAMUS AND PROHIBITION MUST BE ISSUED TO COMPEL THE FEDERAL COURTS TO COMPLY WITH THE *VOID* ORDER DOCTRINE AND TO CONDUCT A SHOW CAUSE HEARING?

Parties to the Proceedings

The caption of the case contains the name of all of the parties, except for the Attorney General of the United States, Department of Justice, United States Attorney for the Eastern District of Virginia, the United States Attorney for the District of Columbia, and the Solicitor General of the United States.

Petitioner is not a corporation.

Respondents are Federal government entities and employees located in Washington, D.C. the Commonwealth of Pennsylvania, the Commonwealth of Virginia, and the State of New York.

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Petition for Writs of Mandamus and Prohibition

Rodriguez prays that the writs of mandamus be issued:

(i) to order the U. S. Court of Appeals for the 2nd, 3rd, 4th, Federal and D.C. Circuits, the U. S. District Court for D. C., the U.S. District Court for the Easter Dist. of Va., the U. S. Tax Court, the Attorney General of the U. S., Department of Justice, U. S. Attorney for the Eastern District of Virginia, the U. S. Attorney for D. C., the U.S. Attorney for Colorado, and the Solicitor General of the U. S.("Respondents"), to comply with the mandate of 18 U.S.C. § 3771 so to protect Rodriguez as a victim of an on going federal criminal conspiracy in violation of 18 U.S.C. §§ 4, 241, 242, 1001, and 1513, which has injured, punished, stigmatized, and deprived Rodriguez since October 2006 of employment as an attorney and federal unemployment compensation benefits based on the *void* orders and acts of "kangaroo courts"[1] retaliating against him for petition Congress and litigating to enforce his federal statutory rights as a parent and attorney; and,

(ii) to order the above Federal Courts to which Rodriguez is a an active member, including the

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[1] "*Kangaroo court.*" . . 2. A. Court or tribunal characterized by **unauthorized or irregular procedures**, esp. so as to render a fair proceeding impossible. 3. **A sham legal proceeding**. . . ." Bryan A. Garner, Black's Law Dictionary, at page 382 (8th ed., 1999). Emphasis added.

United States Supreme Court to immediately conduct an impartial Show Cause Hearings to permit review and the vacating of *void* orders issued outside of judicial or *quasi* judicial capacity .

Mandamus is appropriate because no alternative relief is available given the record that the refusal of the lower Federal Courts to stop the on going criminal conspiracy by refusing to conduct any Show Cause Hearing and by giving automatic effect to the *void* orders and acts of the "kangaroo courts." Pursuant to 18 U.S.C. § 3771, the Writ of Mandamus and Prohibition must be issued or denied within 72 hours.

Opinions below

The unpublished Orders of the U. S. Court of Appeals for the Fourth Circuit, Docket No. No. 08-1444, *In Re: Isidoro Rodriguez*, denying Petition for Writ of Mandamus under 18 U.S.C. § 3771, and denying a Petition for Rehearing En Banc, and to disqualify, are reproduced in the Appendix at A–1 and A-2.

The unpublished Order of the Special Designated Panel for the U. S. Court of Appeals For the District of Columbia Circuit, Docket No. 07-5234, *Isidoro Rodriguez v. Editor in Chief, Legal Times, Individually and in his corporate capacity, et al.*, ("Special Panel") denying a Petition for Writ of Mandamus under 18 U.S.C. § 3771, and denying access to impartial *en banc* consideration are reproduced in the Appendix at A–4 and A-6.

The unpublished Judgement of the Special Panel, Docket No. 07-5234, affirming dismissal of the RICO etc. complaint based on absolute judicial/ministerial immunity from civil or criminal liability, and lack of venue in the District of Columbia of even the federal causes of action is reproduced in the Appendix at A–8.

The unpublished order of the Hon. District Court Judge Leonie M. Brinkema, of the U.S. District Court for the Eastern District of Virginia in Docket No. 1:08-mc-00022, *In re Isidoro Rodriguez,* dated May 28, 2008, refusing to comply with 18 U.S.C. § 3771, and confirming automatic enforcement of a *void* order of the "kangaroo courts" is reproduced in the Appendix at A–18.

The unpublished Order of the U.S. Court of Appeals for the Fourth Circuit, Docket No. No. 06-9518, dated July 16, 2008 *In the Matter of: Isidoro Rodriguez,* denying the motion for TRO/Injunction to the US Dist Ct. is reproduced in the Appendix at A–20.

The unpublished order of the Supreme Court of Virginia affirming *void* order of the Virginia State Bar revoking Rodriguez's license to practice law for taking "actions" to enforce his rights as a parent under Treaty and Va. Code, *Isidoro Rodriguez, Esq. v. Virginia State Bar,* No. 070283, is reproduced in the Appendix at A-51

The *void* order of the Virginia State Bar Disciplinary Board, *In re Isidoro Rodriguez, Esq.,* is

reproduced in the Appendix at A-54.

Jurisdiction

The jurisdiction of this Court is invoked under Article III to the United States Constitution, the All Writs Act, 28 U.S.C. §1651(a), and 18 U.S.C. § 3771.

Constitutional Provisions and Statutes Involved

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18 U.S.C. § 3771. Crime victims' rights ... Add-d

Statement of the Case
Reasons for Granting the Writs

Certainly "the profession of an attorney is of great importance to an individual, and the prosperity of his whole life may depend on its exercise. The right to exercise it ought not to be lightly or capriciously taken from him." *Ex Parte Burr* 22 U.S. 529, 530 (1822). "To be deprived not only of present employment but of future opportunity for it certainly is no small injury. . . ." *Paul v. Davis,* 424 U.S. 693, 704 (1976).

Just as certain and of much greater significance than "prosperity," is the protection of the fundamental right to access to an impartial court for a citizen to petition for redress of grievances.

This is because it is clearly established that the Fifth Amendment to the U.S. Constitution encompasses "the right of the individual to contract [and] . . . to engage in any of the common occupations of life." *Board of Regents of States Colleges v. Roth,* 408 U.S. 564,572 (1972). Thus, "where a person's good name, reputation, honor or integrity is at stake because of what the government is doing to him, notice and an opportunity to be heard are essential." *Id.* at 573.

Although mandamus has always been considered an extraordinary remedy. *Kerr v. United States Dist. Ct.*, 426 U.S. 394, 96 S.Ct. 2119 (1976), the writ will issue to compel the performance of ministerial duties. *Work v. United States ex Rives,*

267 U.S. 175, 45 S.Ct. 252 (1925), and correct an abuse of discretion. *Haneke v. Secy. Health, Education & Welfare*, 535 F.2d 1291 (D.C. Cir. 1976).

> **One critical consideration in determining the propriety of resort to a writ of mandamus is the question of alternative remedies; the writ is usually denied when such alternatives exist.** (Emphasis added)

Cartier v. Secretary of State, 506 F.2d 191 (D.C. Cir. 1974)(internal citations omitted).

Therefore to prevail, Rodriguez must have a "clear and indisputable" relief sought *Id. Kerr 426 at 430*, and there is no adequate alternative remedy.

A. The Facts and the Issues Presented by the Petition

Rodriguez has been an active member in good standing of the Supreme Court of Virginia since 1982, and an active member in good standing of the bars of the United States Supreme Court, the United States Court of Appeals for the Second, Third, Fourth, District of Columbia, and Circuits, United States District Court for the Eastern District of Virginia, and the United States Tax Court,

Since 1987, he has maintained a successful multinational law office located in Barranquilla, Colombia, and the Commonwealth of Virginia

("Virginia"), specialized in federal *pro hoc vice* civil litigation.[2] In 2003 as an active member of the Federal Courts he joined with two attorneys licensed in the District of Columbia to establish an office in the District of Columbia.

The evidence confirms that beginning in 2003 a criminal business conspiracy was initiated from the District of Columbia by the United States Department of Justice ("DOJ"), its independent contractor the National Center for Missing and Exploited Children ("NCM&EC"), and the Courts of Virginia in violation 18 U.S.C. §§ 241, 242, and 1513, as well as VA Code § 18.2-499 and 500 (The Government"). The objective of the government's conspiracy was to injure, punish, stigmatize, and damage Rodriguez's business and profession so to deprive him of his right to employment as an attorney. The motive for the government's business conspiracy was to retaliate against Rodriguez for petitioning Congress,[3] and litigating to enforce his federal statutory rights to compel the secure

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[2]After Rodriguez argued and won *Martinez v. Lamagno and DEA*, 515 U.S. 417 (1995), the *Legal Times* confirmed that he was the only know active U.S. license federal litigation sole practitioner residing outside of the U.S. and actively practicing before the federal courts.

[3]Based on the evidence of the malfeasance by DOJ, the NCM&Ec, District Court Judge Richard Roberts, and by the Hon. Circuit Justice. John G. Roberts giving of false testimony at his confirmation hearing, Rodriguez Petition Congress for an investigation of violation of 18 U.S.C. § 1204 and the Treaty. *See* http://home.earthlink.net/~isidoro.

Rodriguez's parental visitation rights with his Son in accordance with Article 21 of the Hague Convention on the Civil Aspects of International Child Abduction Dated October 25, 1980, T.I.A.A. No 11,670, 19 I.l.M. 1501 ("Treaty"), and Commonwealth of Virginia Uniform Child Custody and Enforcement Act ("Virginia's UCCJEA) VA Code § 20-146.25 and 29, *Isidoro Rodriguez Esq., and Isidoro Rodriguez-Hazbun v. National Center for Missing & Exploited Children et al,* D.C. No. 03-120 (RWR) (*"Rodriguez I"*).

In furtherance of the business conspiracy in 2003 Mr. Eric Holder, Ms. D. Jean Veta, and the Law Firm of Covington & Burling LLP, as well as Ms. Susan Brinkerhoff, and Law Firm of Proskauer Rose LLP, as the attorneys/lobbyists of the Government, did investigate the filing of a complaint with the District of Columbian Court of Appeals Committee on Admissions ("Committee"). However, when it was determined that Rodriguez as a member of the Federal Courts was not violating D.C. Ct. of App. Rule 49, the Government filed a bar complaint with the Virginia State Bar Disciplinary Board ("VSBDB"), based on Rodriguez litigating to enforce his federal statutory rights as a parent under the Treaty and Virginia's UCCJEA.[4]

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[4] The evidence also confirms that the Government conspired with Rodriguez's former client for them to file a bar complaint for his litigating to enforce his perfected statutory property in his Virginia Attorney's Lien Va. Code § 54.1-3934, to sunken *treasure trove* off the coast of the Republic of Colombia.

Subsequently, the evidence confirms that violation of District of Columbia Court of Appeals Rule 46(f), the Committee conspired with the VSBDB to shelve Rodriguez application for admission, and deny him of his right to a hearing on his waiver application file number 76442.[5]

On November 27, 2006, more then a years and a half after Rodriguez's waiver application had been accepted for processing by the Committee, and almost three years after the surreal bar complaints had been filed, the VSBDB revoked Rodriguez's license to practice law in Virginia for litigating to enforce his federal statutory rights (A-54). The VSBDB order is *void* as that of a "kangaroo court" because the VSBDB has neither *quasi* judicial nor judicial capacity nor jurisdiction as a court of record to revoke a Virginia attorney's license, nor could the VSBDB punish Rodriguez for his litigating to enforce his federal statutory rights under the Treaty and Virginia statutory right under both VA UCCJEA and Virginia Attorney Lien. *See* Article VI § 1, § 5 and § 7 the Constitution of Virginia, Va. Code §§ 54.1-3910, 54.1-3915, 54.1-3935, 18.2-481 and 482, and 18 U.S.C. §§ 241, 242, and 1513.

Disregarding both the Constitution of Virginia and Va. Code the Supreme Court of Virginia issued a *void* order on June 28, 2007, affirming the *void*

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[5]See *Isidoro Rodriguez v. District of Columbia Court of Appeals Committee on Admissions*, D.C. Court of Appeals Docket No. 080A26, filed August 25, 2008.

order of the VSBDB (A-51).[6] The U.S. Supreme Court denied a Petition for Writ of Certiorari to review the *void* order, *Isidoro Rodriguez, Esq. v. Supreme Court of Virginia et al.,* (S. Ct. No. 07-419, November 2, 2007).

Subsequently, based on the *void* order of the VSBDB and the Supreme Court of Virginia, in furtherance of the Governments on going criminal conspiracy in violation of 18 U.S.C. §§ 241, 242, and 1513, Rodriguez has during the past 24 months:

- been terminated from employment as an attorney in both Virginia and the District of Columbia.[7]

- been denied by the Committee of a hearing in violation of D.C. Ct of Appeal Rule 46(e) and (f), so to prevent the presenting of evidence of the *void* orders of the VSBDB, his good moral character, and his general fitness to practice law in the District of Columbia.

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[6]In total disregard of separation of power under the Constitution of Virginia and the prohibitions under Va. Code, the VSBDB argued that the it had the power to revoke Rodriguez's license based on the Supreme Court of Virginia's delegation of "judicial authority" under Part 6, § IV, ¶ 13 (B)(5) of the Rules of the Supreme Court of Virginia.

[7] It was later discovered that despite Rodriguez's having a pending waiver application, his employer was surreptitiously contacted by the Committee.

• been denied access to an impartial federal court and a jury trial as mandated by RICO, so to prevent the challenge to the criminal acts of the VSBDB and the Committee in violation of 18 U.S.C. §§ 241, 242, and 1513, D.C. Ct. of Appeals Rule 46 (f)(1), (2), and (3), and Va. Code, *Isidoro Rodriguez v. Editor in Chief of Legal Times, et. al.,* U.S. Dist. Ct. for the Dist. of Columbia No. 07-0975 (May 25, 2007, Feldman, J.)(*"Rodriguez II"*).[8]

• been denied access to an impartial Virginia Courts and a jury trial based on it self-proclaiming absolute judicial immunity-even for criminal and tortious acts outside of judicial capacity and jurisdiction, *Isidoro Rodriguez v. Chief Justice Leroy Roundtree Hassell, et al.,* Record No CL-2007-15396. Supreme Court of Virginia, Docket No 081146, July 31, 2008. A Petition for Certiorari will be filed with the United States Supreme Court before October 28, 2008.

• been denied of his right to federal unem-

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[8]The Special Panel, which was appointed by Chief Justice Roberts, issued a summary order affirming the denial of a RICO jury trial to dismiss *Rodriguez II,* based on absolute judicial immunity and lack of venue (A-8). A Petition for Certiorari will be filed by September 30, 2008. Also, based on the surreal order denying the protection of RICO based on the judicially created doctrine of *Rooker-Feldman,* to deny access in the District Court in furtherance of the criminal conspiracy to give effect to the *void* order of the VSBDB, Rodriguez filed a criminal complaint with DOJ(A-26), and a Petition for Writ of Mandamus to compel the Committee's compliance with Rule 46, D.C. Ct of App. Docket No, 080A26 (A-21).

ployment compensation benefits by the Virginia Employment Commission for being discharged for misconduct from employment in the District of Columbia, first based on the VSBDB and Supreme Court of Virginia *void* orders, and then latter based on the Committee's actions. An appeal was filed with the Fairfax Circuit Court (Docket No. 2008-10996, on August 26, 2008, but the Clerk's Office did not send the Complaint for service on Virginia Employment Commission until September 11, 2008.

Based on the above evidence of the Government's on going criminal conspiracy to enforce a *void* order to deprive Rodriguez of his right to employment and federal unemployment compensation benefits in violation 18 U.S.C. §§ 241, 242, and 1513, Rodriguez filed motions pursuant to 18 U.S.C. § 3771, with U. S. Court of Appeals for the 2nd, 3rd, 4th, Federal and D.C. Circuits, the U. S. District Court for D. C., the U.S. District Court for the Eastern Dist. of Va., U. S. Tax Court, and DOJ, for their protection of Rodriguez as a victim of federal crimes.

Respectively, on April 23, and May 1, 2008, the Special Pane denied the motion and deprived Rodriguez access to and impartial *en banc* review (A–4 and A-6), surreally stating that it was,

> denied as frivolous. Even assuming that appellant could be considered a "crime victim" as that term is defined in 18 U.S.C. § 3771(e), his requests for relief go well beyond enforcing the rights that the CVRA accords to

> crime victims. Further, contrary to appellant's contentions, he has an adequate remedy other than mandamus – namely, a direct appeal of the district court's judgment, which is pending under this case number. We caution appellant that the filing of any further frivolous submissions may result in the imposition of sanctions against him. *See* D.C. Cir. Rule 38.

Also, respectively on April 25, and May 17, 2008, the Fourth Circuit denied the motion based on the surreal holding that the protection as a victim of federal crimes under 18 U.S.C. § 3771, does not include covering allegations under RICO. (A-1 and A-3).

Later, on May 28, 2008, the Hon. District Court Judge Leonie M. Brinkema, entered an order *In re Isidoro Rodriguez,* dated May 28, 2008, refusing to provide the hearing mandated under 18 U.S.C. § 3771, and in violation of the controlling decisions of the United States Supreme Court in *Selling v. Radford*, 243 U.S. 46, 49 (1917), and *Theard v. United States*, 354 U.S. 278, 77 S.Ct. 1274, 1 L.Ed.2d 1342 (1957),[9] without notice or

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[9]This Court has held that,

> Disbarment being the very serious business that it is, **ample opportunity must be afforded to show cause why an accused practitioner should not be disbarred.** If the accusation rests on disbarment by a state court, such determination of course brings title deeds of high respect. But it is not conclusively binding on the federal courts. The recognition that must be accorded such a

hearing ordered that Rodriguez no longer could practice before that federal court because she automatically enforced the *void* order of the "kangaroos court" (A–18). On July 16, 2008, the Fourth Circuit, Docket No. No. 06-9518, denied Rodriguez's motion for TRO/Injunction to enjoin the US Dist Ct. ED Va. violation of 18 U.S.C. § 3771 and the this Court's above cited decisions (A–20).[10]

On June 22, 2008, Rodriguez filed an application for a TRO/Injunction to enjoin the *void* order which has violated federal criminal law pursuant to 18 U.S.C. § 3771, and a motion for Show Cause Hearing under S. Ct. Rule 8, with the Hon. Chief Justice John G. Roberts Circuit Justice of the Fourth and District of Columbia. To date no action has been taken on the petition.

In addition to the above, Rodriguez for two years has been denied of his right to employment as

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> state judgment and the extent of the responsibility that remains in the federal judiciary were authoritatively expounded in *Selling v. Radford,* 243 U.S. 46. **The short of it is that disbarment by federal courts does not automatically flow from disbarment by state courts.** *Theard* 354 at 282. (Emphasis added).

[10] Given that both the District Court and the Fourth Circuit were named Defendant in *Rodriguez I and II,* there is a real question of their impartiality, i.e. although the Fourth Circuit issued a notice to Show Cause in November 2006, but once Rodriguez demanded a hearing to challenge the *void* order it took almost two years for the Court to schedule a hearing for September 25, 2008.

an attorney and the protection of the federal court under 18 U.S.C. § 3771, based on the following evidence:

• the United States Court of Appeals for the District of Columbia Circuit, *In re: Isidoro Rodriguez,* Ct. App., No. 07-8532, on July 10, 2008, issued an order staying all proceedings on the demand for a Show Cause Hearing

• the United States Court of Appeals for the Third Circuit *In re: Isidoro Rodriguez,* U.S. Ct. App., No. 08-8037, imposed automatic identical discipline based on the *void* order of the Virginia State Bar, ordered a Show Cause Hearing only recent for September 23, 2008.

• before the United States Court of Appeals for the Second Circuit *In the matter of Isidoro Rodriguez,* U.S. Ct. App., No. 08-90089, a motion for a Show Cause Hearing has been filed, but to date no date for a Show Cause hearing has been set.

• before the United States Tax Court, *In re: Isidoro Rodriguez,* No. 08-_____, all proceeding has been stayed since April 2007.

• before the United States Court of Appeals for the Federal Circuit, *In re: Isidoro Rodriguez,* Ct. App., No. 08-_____, no response to motions for a Show Cause Hearing has been given.

B. The Reasons for Granting The Writ

I. The Respondents have a duty under 18 U.S.C. §§ 4 and 3771, to Protect Rodriguez as a Victim from the Government's Violation of Federal Criminal Laws.

The Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act ("CVRA"), codified as Title I of the Justice For All Act of 2004, at 18 U.S.C. § 3771, mandates that victims of a crime be given significantly expanded rights in the Crime Victims Rights' Act (CVRA) (Add-d).

Under CVRA, 18 U.S.C. § 3771, federal courts have a duty to ensure that a victim is afforded those rights under subsection (a) (Add-d). *See United States v. Zev Saltman, et al.*, U.S. Dist. Ct. ED NY, 07-CR-641 (NGG)["the CVRA imposes an affirmative obligation on the judiciary to "ensure" that those rights are "afforded." Id. § 3771(b).] Specifically, 18 U.S.C. § 3771(b)–RIGHTS AFFORDED, state that, "[i]n any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a)." *See U.S. v. Tobin*, No. 04-CR-216-01-SM (D.N.H. July 22, 2005).

18 U.S.C. § 3771(e), defines "a crime victim" as "a person directly or proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia."

The Courts have held that victims' rights under the CVRA begin well before a conviction; thus, the status of "victim" may be based on allegations rather than proof. *See*, e.g., *U.S. v. Turner*, 367 F. Supp. 2d 319, 326 (E.D.N.Y. 2005) (noting that "[t]hat syllogism – which renders the CVRA inapplicable to this or any other criminal case unless and until the defendant is proved guilty beyond a reasonable doubt – produces an absurd result that [the court] must presume Congress did not intend."); See generally *I.N.S. v. St. Cyr*, 533 U.S. 289, 299-300 (2001) (holding that "if an otherwise acceptable construction of a statute would raise serious constitutional problems, and where an alternative interpretation of the statute is 'fairly possible,' . . . we are obligated to construe the statute to avoid such problems") (citation omitted).

Thus the Act,

> does not distinguish between proceedings that occur before a plea or guilty verdict and proceedings that follow a plea or verdict, it seems **in all proceedings courts must treat alleged victims as if they were admitted or proven victims**. *Crime Victims's Rights Act of 2004 and the Federal Court*, Federal Judicial Center, Washington, D.C. October 24, 2005. (Emphasis added).

In all proceedings the federal court must treat alleged victims as if they were admitted or proven victims, so to compel the Department of Justice personnel (and personnel of other agencies, as

appropriate) to "make their best efforts to see that the crime victims are . . . accorded, the rights described in subsection (a)." *Id.* at page 9, ¶ H. The status of "victim" may be based only on allegation in a criminal complaint. *See* A-26.

In total disregard of the mandate on the federal courts pursuant to 18 U.S.C. § 3771, and in violation of 18 U.S.C. §§ 241, 242, and 1513, the Hon. Judge Paul Feldman, the United States District Court for the District of Columbia, United States District Court for the Eastern District of Virginia, Special Panel, and the Fourth Circuit denied Rodriguez motion in unpublished order that failed to cite any authority. Furthermore, the Hon. Chief Justice John G. Roberts as Circuit Justice for the Fourth and District of Columbia Circuits, United States Court of Appeals for the Second, Third, District of Columbia and Federal Circuits, as well as the United States Tax Court have failed to act to protect Rodriguez from the Government's an on going criminal enterprise to give effect to the *void* order of the Committee and the VSBDB issued.

i. **In Violation of 18 U.S.C. §§ 241, 242, and 1513 and the *Void* Order Doctrine an Ongoing Federal Crime Is Being Committed by the Courts Enforcing the *Void* Orders.**

Section 1651 of 18 U.S.C., ("The All Writs Act"), confers on the courts of appeals the discretionary power to issue writs of mandamus in "extraordinary situations." *Allied Chemical Corp. v.*

Daiflon, Inc., 449 U.S. 33, 101 S.Ct. 188, 190, 66 L.Ed.2d 193 (1980). The evidence shows exceptional circumstances exist here based on the enforcement of *void* orders issued in furtherance of a criminal enterprise. *La Buy v. Howes Leather Co.*, 352 U.S. 249, 259-60, 77 S.Ct. 309, 315, 1 L.Ed.2d 290 (1957); *Kerr v. United States*, 426 U.S. 394, 402, 96 S.Ct. 2119 2123, 48 L.Ed.2d 725 (1976). *see In re Washington Post Co.*, 807 F.2d 383, 393 (4th Cir. 1986).

The writ of mandamus is, "intended to provide a remedy for a plaintiff only if he has exhausted all other avenues of relief and only if the defendant owes him a clear nondiscretionary duty." *Heckler v. Ringer*, 466 U.S. 602, 104 S.Ct. 2013, 2022, 80 L.Ed.2d 622 (1984).

The record confirms that Rodriguez has used every skill to obtain access to an impartial court to review the *void* order of the "kangaroo court." All efforts have failed, and as a victim of the criminal enterprise, he has a right under 18 U.S.C. § 3771 to a Writ protect him from the accused.

There are five requirements, set forth in *Bauman v United States District Court*, 577 F.2d 650 (9th Cir. 1977), that has been adopted by the courts in deciding whether to issue a writ, "(1) The party seeking the writ has no other adequate means, such as a direct appeal, to attain the relief he or she desires . . . (2) The petitioner will be damaged or prejudiced in a way not correctable on appeal . . . (3) The district court's order is clearly erroneous as a

matter of law . . . (4) The district court order is oft-repeated error, or maintains a persistent disregard of the federal rules . . . (5) The district court's order raises new and important problems, or issues of law of first impression . . . ." Id at 654-55 (citations omitted).

> "Although these guidelines are helpful, they of course do not result in bright-line distinctions. First, the guidelines often raise questions of degree: How clear is it that the lower court's order is wrong as a matter of law? How severe will damage to the petitioner be if extraordinary relief is withheld? Second, rarely if ever will a case arise where all guidelines point in the same direction or where each guideline is relevant or applicable. The considerations are cumulative and proper disposition will often require a balancing of conflicting indicators." *Bauman v. United States District Court*, 577 F2d at 655.

These five factors set fourth in *Bauman* are to be considered in the aggregate and require a careful weighing before this Court can determine whether a writ should be issued or denied.

Based on the record, Rodriguez has satisfied all five guidelines:

(1) from the record Rodriguez has no other adequate means to attain compliance with 18 U.S.C. § 3771, to stop the criminal conspiracy to

enforce *void* orders. Thus the exercise of mandamus jurisdiction is appropriate here given the surreal summary dismissal below by the Federal and Virginia Courts based on absolute judicial immunity for violation of 18 U.S.C. §§ 241, 242, and 1513, and the refusal to impanel a Special Grand Jury to investigate the violation of Rodriguez's rights as a victim based on the *void* order and acts of the VSBDB and Committee;

(2) Rodriguez is being criminally deprived of his right to employment as an attorney by the *void* order in a way not correctable on appeal;

(3) Rodriguez has been deprived of its right to due process as a matter of law by the enforcement of the *void* orders;

(4) the courts refusal to comply with 18 U.S.C. § 3771 is a flagrant disregard of their duties under the Federal Criminal Code; and,

(5) the denial to date of all of the Federal Courts to provide Rodriguez access to an impartial Show Cause hearing raises new and important problems; and issues of law which must be addressed by the supervisory responsibility of this Court.

In this context the issuance of the writ follows the traditional use of it in the federal courts, since it is confined to requiring a lawful exercise of its prescribed function under the Rule of Law to enjoin *void* orders which are part of a criminal enterprise.

The record evidences exceptional circumstance to justify the issuance of the writ by the intentional disregarded of Rodriguez's injuries as a victim by the enforcing of *void* orders, and denying him protection as mandated under 18 U.S.C. § 3771(a), thus the issuance of a writ of mandamus is appropriate. *In re Cordis Corp.*, 769 F.2d 733, 737 (Fed Cir. 1985). Rodriguez has met the heavy burden in showing that mandamus is the proper remedy to stop the enforcement of the *void* orders, since the right to issuance of the writ is clear and indisputable. *In re Bendectin Products Liability Litigation*, 749 F.2d 300 (6th Cir. 1984).

ii. The Judicial Branch Has No Grant of Absolute Immunity for Violations of 18 U.S.C. §§ 4, 241, 242, 1001, 1204, and 1513.

The power of the Judicial Branch is established by Article III of the U.S. Constitution.

Article III, section 1 states that, "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour," therefore providing no immunity for judges for their judicial actions from prosecution for criminal or civil violation of the laws of the United States in including RICO violations, or those of any state. Consequently, clearly the Constitution provides no immunity to judges for acts outside of their judicial capacity or jurisdiction. Thus, logically, a judge cannot hold office when he has engaged in 'bad Behaviour–i.e. a criminal enterprise in violation of.

18 U.S.C. §§ 4, 241, 242, 1001, 1204, and 1513.[11] This is because under our Constitutional system which assures "Equal Justice Under Law" for all of its citizens, the Judicial Branch must be held liable for criminal and civil violation of federal law.

For the above reason, when judges engage in violation of federal criminal law they expose themselves to the same punishment that the law imposes on any other lawbreaking person. This follows from the other fundamental principle that nobody is above that law.

Since neither the Constitution nor Congress under both RICO and the Federal Tort Claims Act have endowed a federal judgeship as employees of the United States with a blanket exemption from liability, the Judicial Branch is prohibited from declaring themselves absolutely immune from liability for all acts within or outside of their judicial capacity and jurisdiction in violation of 18 U.S.C. 18 U.S.C. §§ 4, 241, 242, 1001, 1204, and 1513.

For a judge to declare he is above the law and absolutely immune form suit, would in itself be a

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[11]Article II, section 4, of the Constitution provides a few examples of bad 'Behaviour' that when engaged in by judges results in the obligation, not merely the possibility, that they "shall be removed from Office". These include not only "Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes", but also "Misdemeanors". Therefore, the offense need only be classified as a misdemeanor and still give cause for removal and prosecution.

violation of federal law.[12]

This because upon taking office a federal judge swears pursuant to 28 U.S.C. §453 that he/she,

> will administer justice without respect to persons, and do equal right to the poor and to the rich, and that [he/she] will faithfully and impartially discharge and perform all the duties incumbent upon me as XXX under the Constitution and laws of the United States. So help me God.

For this reason, when as here judges are sued for their acts in furtherance of a criminal enterprise of the Government to injure, punish, stigmatize, and deprive Rodriguez of his right to employment as an attorney and right to federal unemployment compensation Judge Feldman and Special Panel cannot declare absolute judicial immunity so to insulate the Judicial Branch, This is because they are in in violations of 18 U.S.C. §§ 4, 241, 242, 1001, 1204, and 1513, by enforcing a *void* order issued to punish Rodriguez in retaliation for litigating to enforce federal statutory rights as a parent and independent attorney.

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[12] The Judicial Branch is prohibited by Article II, §4, and Article III of the Constitution, from self-proclaiming that their judicial class can not be held accountable for wrong done outside of their judicial capacity and jurisdiction, or in criminal violation of 18 U.S.C. 18 U.S.C. §§ 4, 241, 242, 1001, 1204, and 1513.

They have breached their oath of office under 28 U.S.C. §453 , to administer equal justice "without respect to persons, " and their orders (A-1, 2, 3, 4, 6, 8, 18, 20, 23, and 24), provide additional evidence of the Judicial Branch acting outside of its judicial capacity and jurisdiction in furtherance of the criminal enterprise of the Government.

Both 18 U.S.C. § 3771, and RICO, specifically provide for Rodriguez to bring a civil action based on being injured by the criminal acts of judges guilty. Furthermore, neither the filing of Rodriguez complaint nor his attempts to litigate the causes of action based on malfeasance depends on the government having secured a conviction.

Indeed, given the Department of Justice's collusion with the Judicial Branch to refuse to call a Special Grand Jury and prosecute the various criminal complaint filed since 2004 (A-26), their malfeasance have no bearing on Rodriguez's right to obtain judgement against the judges upon the application of the lower standard of proof in civil actions.

II. A Writ must be issued to order impartial Show Cause Hearings because the record confirms there are no alternative reliefs available to correct the Committees and VSBDB Void acts in furtherance of the criminal enterprise.

As explained above the critical factor in consideration in determining the propriety of resort

to a writ of a mandamus is the fact that there is not alternative remedy. *Cartier v. Secretary of State*, 506 F.2d 191 (D.C. Cir. 1974); see; *Association of Am. Med. Colleges v. Califano*, 569 F.2d 101, 110 n. 80 (D.C. Cir. 1977)("[t]he writ generally is denied when alternative remedies are available"); *Simpson v. Reno*, 902 F.Supp. 254, 256-58 (D.D.C 1995), *aff'd* 1996 WL 56625 (D.C. Cir. 1996); *Public Citizen v. Kantor*, 864 F.Supp. 208, 212-14 (D.D.C. 1994).

In *Schware v. Board of Bar Examiners*, 353 U.S. 232, 239 (1957), the United States Supreme Court stated that, "[a] State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment." *See also, In re Ruffalo*, 390 U.S. 544, 555-556, 88 S.Ct. 1222, at 1228-1229, 20 L.Ed.2d 117 (1968). "The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases." *Marshall v. Jern'co*, 446 U.S. 238,242 (1980). Thus, a valid judgment may not be rendered based on a *void* order of a "kangaroo Court" without violating the constitutional protections of *due process. Prather v Loyd*, 86 Idaho 45,' 382 P2d 910 (1987). See also Restatements, Judgments § 4(b), *Earle v. McVeigh*, 91US 503, 23 L Ed 398 (1999).

Furthermore, as explained by the United States Supreme Court in *Konigsberg v. State Bar*, 353 U.S. 252, 273 (1957),

We recognize the importance of leaving

> States free to select their own bars, **but it is equally important that the State not exercise this power in an arbitrary or discriminatory manner nor in such way as to impinge on the freedom of political expression or association.** A bar composed of lawyers of good character is a worthy objective but it is unnecessary to sacrifice vital freedoms in order to obtain that goal. **It is also important both to society and the bar itself that lawyers be unintimidated — free to think, speak, and act as members of an Independent Bar.** (Emphasis added).

See In re Isserman, 345 U.S. 286, 294 (1953), opinion of Associate Justice Jackson, Black, Frankfurter, and Douglas.

In total disregarding the above holdings, the evidence is that the federal courts have enforced *void* orders to punish Rodriguez for litigating to enforce his federal statutory rights–these acts are intolerable in our adversary system which depends on an independent bar.

The record confirms that for more than twenty-two months Rodriguez has been systematically and repeatedly denied access to impartial the Federal and Virginia court to prevent his challenging the *void* acts of the Committee, the *void* orders of the VSBDB and the Supreme Court of Virginia.[13]

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[13]The United States Supreme Court has recognized that even if there is no showing of actual bias in the tribunal, it has held

In this context, previously even the Tenth Circuit has held that when the judgment of a state court is *void* because that court "**entered a judgment which it had no power to enter under the law, that judgment may be reviewed in a federal court.**" *Daniels v. Thomas*, 225 F.2d 795, 797 (10th Cir. 1955), cert. denied, 350 U.S. 932 (1956) (Emphasis added).

Thus, the Special Panel disregard its own precedent to repeatedly refused to enjoin Committee's *void* acts and the VSBDB *void* order issued outside of their limited administrative authority.

Conclusion

The evidence confirms that Rodriguez has exhausted all avenues for relief in both the Federal and the Virginia Courts, and has demonstrated his right to the issuance of the writ as clear and indisputable, and there is no possible alternative. *Simpson v. Reno*, 902 F.Supp 254, 256 and 258 (D.D.C. 1995); *National Wildlife Fed'n v. United States*, 626 F.2d 917, 923-24 (D.C. Cir 1980).

Thus, in accordance with 18 U.S.C. § 3771, this Court must issue within 72 hours of a writ of

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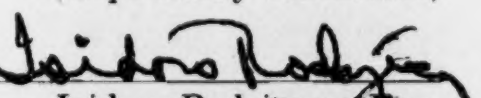
that due process is denied by circumstances that create the likelihood or the appearance of bias. *Peters v. Kiff*, 407 U.S. 493, 502 (1972). As such, both the Fifth and Fourteenth Amendment acts as a limitation upon the exercise and possible abuse of judicial power.

mandamus to order Respondents to protect Rodriguez as a victim of the Government's on going violations of 18 U.S.C. § 4 (federal crime reporting statutes), § 241 (conspiracy in retaliation for exercising federal rights), § 242 (illegally interfering with employment), § 535, § 1001 (making false statements to Congress), § 1204 (obstruction of parental rights), § 1510, § 1511 (obstructing the enforcement of state law), § 1513 (retaliating right against a victim to be employed for exercising his federal statutory rights) and 5 U.S.C. § 702 (failure to do official acts, i.e., enjoining perjury).

Also, this Court must order that the Federal Courts which have not given Rodriguez notice and a hearing to immediate set a time and date for an impartial Show Cause Hearing to permit his challenge to enforcement of the *void* order and acts of the VSBDB, the Supreme Court of Virginia, and Committee.

Respectfully submitted,

By 

Isidoro Rodriguez, Esq.
Attorney of Record for Petitioner
Admission to the Bar of
The United States Supreme Court 1992

THE LAW OFFICES OF ISIDORO RODRIGUEZ
7924 Peyton Forest Trail
Annandale, Virginia 22003-1560
Telephone: 703.470.1457
E-mail: isidoror@earthlink.net

Constitutional Provisions, Statutes, Court Rules Involved

U.S. Constitution Article III, § 2

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;-- between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

FEDERAL CIVIL STATUTES VIOLATED

28 U.S.C. § 453 - Oaths of justices and judges

Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, _____, do

solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ under the Constitution and laws of the United States. So help me God."

FEDERAL CRIMINAL STATUTES VIOLATED

18 U.S.C. § 4. - Misprision of Felony--Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years or both.

18 U.S.C. § 241 - Conspiracy against rights, states in relevant part, "[i]f two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State . . . in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; . . . They shall be fined under this title or imprisoned not more than ten years, or both.

18 U.S.C. § 242 - Deprivation of rights under color of law, states in relevant part that, "[w]hoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State . . . to the deprivation of any rights,

privileges, or immunities secured or protected by the Constitution or laws of the United States, . . ., shall be fined under this title or imprisoned not more than one year, or both .

18 U.S.C. § 1001. Statements or entries generally

(a) Except as otherwise provided in this section whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

(1) falsifies, conceals, or covers up by any trick, scheme, or devise a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

Shall be fined under this title, imprisoned not more than 5 years . . . .

18 U.S.C. § 1204 - International parental kidnapping.--(a) Whoever. . . retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

18 U.S.C. § 1513. Retaliating against a witness, victim, or an informant, states in relevant part, "(e) Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or liveli-

hood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

18 U.S.C. § 3771. Crime victims' rights.

(a) RIGHTS OF CRIME VICTIMS.--A crime victim has the following rights:

(1) The right to be reasonably protected from the accused.

(2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.

(3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.

(4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.

(5) The reasonable right to confer with the attorney for the Government in the case.

(6) The right to full and timely restitution as provided in law.

(7) The right to proceedings free from unreasonable delay.

(8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

(b) RIGHTS AFFORDED.--In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a). Before making a determination described in subsection (a)(3), the court shall make every effort to permit the fullest attendance possible by the victim and shall consider reasonable alternatives to the exclusion of the victim from the criminal proceeding. The reasons for any decision denying relief under this chapter shall be clearly stated on the record.

(c) BEST EFFORTS TO ACCORD RIGHTS.--

(1) GOVERNMENT.--Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a).

(d) ENFORCEMENT AND LIMITATIONS.--

(1) RIGHTS.--The crime victim or the crime

victim's lawful representative, and the attorney for the Government may assert the rights described in subsection (a). A person accused of the crime may not obtain any form of relief under this chapter. . . .

(3) MOTION FOR RELIEF AND WRIT OF MANDAMUS.--The rights described in subsection (a) shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred. The district court shall take up and decide any motion asserting a victim's right forthwith. If the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus. The court of appeals may issue the writ on the order of a single judge pursuant to circuit rule or the Federal Rules of Appellate Procedure. The court of appeals shall take up and decide such application forthwith within 72 hours after the petition has been filed. In no event shall proceedings be stayed or subject to a continuance of more than five days for purposes of enforcing this chapter. If the court of appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion.